

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JERRY WAYNE SEABOLT,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-28018

C.R. SALTSAGER, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court are a motion to dismiss by Defendant Jackson County Sheriff Department, (ECF No. 17), and nearly identical motions to dismiss by individual Defendants C.R. Saltsgaver, G.D. Baldwin, and A.J. Boggs, (ECF Nos. 19, 21, and 23). By Standing Order entered on May 7, 2014, and filed in this case on November 13, 2014, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition (“PF&R”). (ECF No. 6.) Magistrate Judge Tinsley filed his PF&R on January 4, 2016, recommending that this Court grant Defendant Jackson County Sheriff Department’s motion to dismiss and grant in part and deny in part the individual defendants’ motions to dismiss. (ECF No. 27.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and a party’s right to appeal this Court’s

Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on January 22, 2016. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 27), and **GRANTS** Defendant Jackson County Sheriff Department’s motion to dismiss, (ECF No. 17). Further, the motions to dismiss filed by individual Defendants Saltsgaver, Baldwin, and Boggs, (ECF Nos. 19, 21, and 23), are **GRANTED**, with respect to Plaintiff’s false arrest claims, and **DENIES WITHOUT PREJUDICE**, with respect to Plaintiff’s excessive force claims.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 18, 2016



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE